

17-1626

**In the United States Court of Appeals
For the Fourth Circuit**

BARBARA SOPKIN, Citizen of Israel in Her Capacity as Assignee of Lucre Investments Ltd, General Partner of Interlase Limited Partnership, a Georgia Limited Partnership, and in a Derivative Action for Interlase Limited Partnership,

Plaintiff – Appellant,

v.

JILL MENDELSON, et. al.,

Defendants – Appellees.

On Appeal from the United States District Court for the Eastern District of Virginia (Alexandria), Case No. 1:16-cv-01146-CMH-IDD

**DEFENDANTS-APPELLEES’
UNOPPOSED MOTION TO ALTER BRIEFING DEADLINES**

Pursuant to Federal Rule of Appellate Procedure 27 and Local Rule 27, Defendants-Appellees Jill C. Mendelson, Executor of the Estate of Richard S. Mendelson, Deceased; Richard S. Mendelson Trust, H. Carter Land III; Land, Carroll & Blair, P.C.; Madeline A. Trainor; Ann Nicole Kathan; John William Toothman; and H. Jason Gold (the “Defendants-Appellees”), by and through counsel, respectfully submit this unopposed motion to alter the briefing deadlines currently in place for the Defendants-Appellees’ response to Plaintiff-Appellant Barbara Sopkin’s (the “Plaintiff-Appellant’s”) 2nd Corrected Opening Brief, Dkt.

48 (the “Opening Brief”), and to alter the deadline for the Plaintiff-Appellant’s reply brief.

1. The current deadline for the Defendants-Appellees’ response to the Plaintiff-Appellant’s Opening Brief is September 13, 2017. *See* Court’s Order, Dkt. 29. The Plaintiff-Appellant’s current deadline to reply to the Defendants-Appellees’ response brief is 14 days from service of the response brief. *Id.*

2. On June 8, 2017, the Court issued an Order permitting Defendant-Appellee H. Jason Gold to file a separate response brief not to exceed 6,500 words. *See* Court’s Order, Dkt. 23. In addition, the Court ordered that the Plaintiff-Appellant may file a reply brief not to exceed 9,750 words. *Id.*

3. There have been delays in the filing of Appellant’s Opening Brief and 2nd Corrected Joint Appendix. *See* Dkts. 47 and 48. The Defendants-Appellees respectfully request that the Court issue an order altering the current deadlines for the parties’ response and reply briefs. In particular, the Defendants-Appellees respectfully request that the Court set the deadline for their response to the Opening Brief to no later than September 21, 2017.

4. In an effort to avoid duplicative arguments and so that he may refer to the other Defendants-Appellees’ response brief, Defendant-Appellee H. Jason Gold respectfully requests that the Court issue an order setting the deadline for his separate response brief to no later than October 2, 2017.

5. The Defendants-Appellees respectfully request that the Court issue an order setting the Plaintiff-Appellant's deadline to file a single reply brief to no later than 14 days from October 2, 2017.

6. The Plaintiff-Appellant, by and through her counsel, does not oppose this motion. *See* Local Rule 27(a).

For the foregoing reasons, the Defendants-Appellees respectfully request that the Court issue an order (1) setting the deadline for the Defendants-Appellees' response brief to September 21, 2017; (2) setting the deadline for Defendant-Appellee H. Jason Gold's separate response brief to October 2, 2017; and (3) setting the deadline for Plaintiff-Appellant's reply brief to no later than 14 days after October 2, 2017.

August 24, 2017

Respectfully submitted,

By: /s/ Richard A. Simpson

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CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2017, the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record listed below:

John S. Lopatto, III
Counsel for Plaintiff-Appellant Barbara Sopkin

By: /s/ Richard A. Simpson
Richard A. Simpson

CERTIFICATE OF COMPLIANCE

This response complies with the type-volume limits as set forth in Fed. R. App. P. 27 because it contains 418 words, excluding the caption, signature block, and certificates of counsel and complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and 32(a)(6).

By: /s/ Richard A. Simpson
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